

FRANZ HEHN

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MARCH 6, 1958.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. WALTER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1359]

The Committee on the Judiciary, to whom was referred the bill (S. 1359) for the relief of Franz Hehn, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is afflicted with tuberculosis in behalf of Franz Hehn. The bill provides that the beneficiary will submit to any necessary medical treatment for his tubercular condition and also provides for the posting of a bond as a guaranty that he will not become a public charge.

GENERAL INFORMATION

The beneficiary of the bill is a 34-year-old native and citizen of Yugoslavia who presently resides in Germany. He is married to a native and citizen of Germany and they have two children. His parents, two brothers, and a sister are permanent residents of the United States, having been admitted on March 4, 1952. It is stated that they will assume the responsibility for the support of the beneficiary and his family. Without the waiver provided for in the bill, he will be unable to obtain a visa to enter the United States with his family.

A letter, with attached memorandum, dated June 19, 1957, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill, reads as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., June 19, 1957.

Hon. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1359) for the relief of Franz Hehn, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize the beneficiary's admission for permanent residence if he is found to be otherwise admissible. It further provides that his admission shall be under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States, may deem necessary to impose. It would also require that a bond be deposited to insure that the beneficiary shall not become a public charge. The bill further provides that this exemption shall apply only to grounds for exclusion under paragraph (6) of section 212 (a) of such act known to the Secretary of State or the Attorney General prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION FILES RE FRANZ HEHN, BENEFICIARY OF S. 1359

Information concerning the case was obtained from Mrs. Elizabeth Hehn, mother of the beneficiary.

The beneficiary, Franz Hehn, a native and citizen of Yugoslavia, was born on November 3, 1922. He first married Margaret Tosch in 1948 in Germany. She died the same year. No children were born to this marriage. He then married Kathie Jeger, a native of Germany, in 1950 in Germany. Their two children reside with them in Germany, where he has resided since 1957.

The beneficiary is a furniture upholsterer. He attended school in Yugoslavia for 10 years. Information as to his income or assets is not available. The beneficiary's wife and children intend to accompany him in the event he is permitted to enter the United States.

The beneficiary has never been in the United States. According to his mother, he was refused an immigrant visa by the United States consul in Mannheim, Germany, in December 1951, because of a lung condition. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The beneficiary's parents, Peter and Elizabeth Hehn, were admitted to the United States for permanent residence on

March 4, 1952, with their other three children. Peter Hehn is employed as a machine operator in Skokie, Ill., at a salary of \$1.85 an hour. Elizabeth Hehn is employed by the Illinois Bell Telephone Co., Chicago, Ill., as a charwoman at a salary of \$1.53 an hour. They have property valued at \$68,000, which is encumbered with a \$30,000 mortgage. Mr. and Mrs. Hehn have stated that they will support the beneficiary and his family if they are permitted to enter the United States.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,  
*Washington, D. C., June 26, 1957.*

Re S. 1359, Franz Hehn.

Hon. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

MY DEAR SENATOR EASTLAND: In support of the above-named bill, please permit me to submit the attached information for consideration by your committee.

The beneficiary of S. 1359, a national of Yugoslavia, was refused a Refugee Relief Act immigration visa under section 212 (a) (6) of the Immigration and Nationality Act, as X-ray examinations disclosed spots on his lungs.

A comparison of X-rays taken of Mr. Hehn in 1952, 1953, and 1955 was made by the medical director of the Chicago Fresh Air Hospital, who stated it was his opinion that the lesions which appeared represented an old infection which had been stable for the past 3 years and that it was reasonable to assume the lesions would not break down. Mr. Hehn has never suffered any illness and has worked regularly as a saddler and upholsterer ever since he finished school.

This beneficiary's parents, two brothers, and sister are now living in the United States and are willing to assume full responsibility for his support and medical care, if such is every required for Mr. Hehn.

It is my firm belief that S. 1359 merits favorable consideration by your committee and it is hoped that this bill may be reported at an early date.

With kind regards.

Faithfully yours,

PAUL A. DOUGLAS.

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THE FOREIGN SERVICE OF THE  
UNITED STATES OF AMERICA,  
AMERICAN CONSULATE GENERAL,  
*Frankfurt/Main, Germany, February 7, 1957.*

Hon. PAUL H. DOUGLAS,  
*United States Senate.*

DEAR SENATOR DOUGLAS: Thank you for your letter of January 28, 1957. Mr. Franz Hehn was refused a visa as a result of his lung condition at the American consulate general in Munich on October 13, 1954, under the provisions of section 212 (a) 6 of the Immigration and

Nationality Act. He was subsequently examined by the Public Health Service unit in Frankfurt, and his complete medical dossier was reviewed by the tuberculosis consultant in June 1956. Unfortunately, his condition did not improve sufficiently for medical clearance to be obtained.

He may be reexamined in July 1957, in accordance with Public Health Service regulations. As you may know, Mr. Hehn was being given consideration under the Refugee Relief Act, which expired December 31, 1956. His application now falls within the nonpreference quota for Yugoslavia, and this category is so heavily oversubscribed that it does not appear that a quota number will be available for his use in the next few years.

Should there be any change in the quota situation which will permit consideration of Mr. Hehn's application at an earlier date, you may be sure that we will do so. I sincerely regret sending you such unfavorable news at this time.

With kind regards, I am

Sincerely yours,

JOHN H. BURNS,  
*American Consul General.*

AMERICAN AID SOCIETIES,  
*Chicago, Ill., January 11, 1957.*

Re Franz Hehn, wife, daughter and son, Zweibruecken, Germany.

Miss INGRAM,

*Senator Douglas' Office, Chicago, Ill.:*

DEAR MISS INGRAM: Mrs. Elizabeth Hehn, mother of Franz Hehn, 4431 North Paulina, Chicago, Ill., telephone AR 1-8480, has come to our office to get a private bill introduced into Congress calling for waiver of section 212 (a) (6) for her son and family.

Mrs. Hehn says her son has never had tuberculosis and the only way he could have received the shadows on his lungs was through a bad cold. His trade that he learned is sadler and upholsterer and has done this kind of work since he finished school.

Franz Hehn has two married brothers, a 19-year-old sister, parents, and grandmother living in the United States and Franz Hehn is the only one living in Europe. The parents and the rest of the family would like very much to have Franz Hehn and family come to America so the entire family can be together in this country.

The entire family would assume full responsibility and put up a bond so that Franz Hehn would never become a public burden and if any expense for hospital, doctor, or medicine are involved it would be taken care of.

The parents of Franz Hehn will be 5 years in America March 6, 1957, and the Franz Hehn family was to have come at the same time with the parents.

Anything that can be done will be very much appreciated and if any more information is required, please do not hesitate to call on us. With best wishes, we remain,

Sincerely yours,

HELEN M. KETTELHUT,  
*Assistant Secretary.*



CHICAGO FRESH AIR HOSPITAL,  
*April 9, 1955.*

Re Franz Hehn, prospective immigrant, Krechenberg, Zweibruecken,  
 Germany.

AMERICAN AID SOCIETIES,  
*Chicago, Ill.*

GENTLEMEN: Comparing chest X-rays marked "Franz Hehn," born March 11, 1922, taken March 12, 1952, June 3, 1953, and March 30, 1955.

There is no evidence of any active parenchymal tuberculosis. There is an area of fibrosis in the right apex which shows no variation in these 3 films and a solitary calcified nodule in the left apex which shows no variation in these 3 films.

It is my opinion that these lesions represent an old Koch's bacilli infection which has been stable for the past 3 years. It is also reasonable to assume that these lesions will not break down.

Very truly yours,

HUGO O. DEUSS, M. D.

FRANKFORT ON THE MAIN, GERMANY,  
*June 15, 1956.*

X-ray examination (both tips) of Mrs. Franz Hehn, November 3, 1922 (79646).

The X-ray examination of both upper fields by layer pictures of 4 to 13 centimeters in distance shows:

Beginning at 5 centimeters top left a walnut-size, lime-tight shade region. Reinforced stripelike design toward the hilus.

At 8 centimeters one can see at the upper left several lime-tight deposits up to lima bean size.

At 9 and 10 centimeters similar changes at upper right.

In the cutting depths located further to the front no additional special findings.

Diagnosis: Limed scarlike changes in both upper fields. A fresh infiltrative process, destruction or tuberculome formation could not be ascertained.

Very truly yours,

P. ZACHARIAS, M. D.

#### CERTIFICATION

CHICAGO, ILL.

This is to certify that, to the best of our knowledge, the foregoing is a true and complete rendition of the corresponding original document written in the German language, and that the translation was done by a qualified translator under the personal supervision of the undersigned.

[SEAL]

COSMOPOLITAN TRANSLATION BUREAU,  
 SYLVIA FOX, *Secretary.*

Sworn and subscribed to before me, a notary public in and for Cook County on this 11th day of January 1957.

[SEAL]

WALTER RAYMOND,  
*Notary Public, Cook County, Ill.*

My commission expires February 7, 1960.

STATE HEALTH OFFICE,  
Zweibrücken, Germany, December 8, 1955.

CERTIFICATE ISSUED BY THE OFFICIAL MEDICAL OFFICER

Mr. Franz Hehn, born on November 3, 1922, residing at Ortsstrasse 30, Krähenberg, has been X-rayed at this office. The picture reveals that the diaphragm is well arched on both sides and free at the angles. The heart is normal in shape and size. The hili contain lime shades. In both top fields, on the left side more than on the right side, there are well-contoured spot and stripe shades connected with the hilus.

Finding: bilateral zyrrhotic, static upper field process.

Dr. MAY, *Official Physician.*

CERTIFICATION

CHICAGO, ILL., *January 11, 1957.*

This is to certify that, to the best of our knowledge, the foregoing is a true and complete rendition of the corresponding original document written in the German language, and that the translation was done by a qualified translator under the personal supervision of the undersigned.

[SEAL]

COSMOPOLITAN TRANSLATION BUREAU,  
SYLVIA FOX, *Secretary.*

Sworn and subscribed to before me a notary public in and for Cook County, on this 11th of January 1957.

[SEAL]

WALTER RAYMOND,  
*Notary Public, Cook County, Ill.*

My commission expires February 17, 1960.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1359) should be enacted.

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